

CLARE E. CONNORS  
United States Attorney  
District of Hawaii

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII  
Aug 17, 2023, 5:13 pm  
Lucy H. Carrillo, Clerk of Court

MICHAEL F. ALBANESE #9421  
Assistant U.S. Attorney  
Room 6-100, PJKK Federal Bldg.  
300 Ala Moana Boulevard  
Honolulu, Hawaii 96850  
Telephone: (808) 541-2850  
Facsimile: (808) 541-2958  
michael.albanese@usdoj.gov

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	MAG. NO. 23-01277 RT
	)	(District of Hawaii)
Plaintiff,	)	
	)	CR. NO. 23-00269 AMO
vs.	)	(Northern District of California)
	)	
DEVON CHRISTOPHER WENGER,	)	DECLARATION OF STEEL
	)	STEWART; EXHIBITS 1 and 2
Defendant.	)	
	)	

---

DECLARATION OF STEEL STEWART

I, STEEL STEWART, declare and state as follows:

1. I am a Special Agent with Federal Bureau of Investigation.

2. I am informed and believe that on August 16, 2023, an Indictment was filed in the Northern District of California in Cr. No. 23-00269 AMO, charging DEVON CHRISTOPHER WENGER, the defendant, with violations of Title 18, United States Code, Sections 241, 242 and 1519. Attached hereto as Exhibit 1 is a true and correct copy of the unsealed Indictment filed in the Northern District of California.

3. I am informed and believe that on August 16, 2023, the Honorable Lisa J. Cisneros, U.S. Magistrate Judge, in the United States District Court, Northern District of California, issued a warrant for the defendant's arrest.

4. Pursuant to this warrant, FBI agents arrested the defendant in this District on August 17, 2023. Attached hereto as Exhibit 2 is a true and correct copy of the Arrest Warrant filed in the Northern District of California, with the "Return" section completed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 17, 2023, at Honolulu, Hawaii.

  
STEEL STEWART  
SPECIAL AGENT, FBI

# United States District Court

FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

**FILED**

Aug 16 2023

Mark B. Busby  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

UNITED STATES OF AMERICA,

V.

MORTEZA AMIRI,  
ERIC ALLEN ROMBOUGH, and  
DEVON CHRISTOPHER WENGER

DEFENDANT(S).

## INDICTMENT

18 U.S.C. § 241 – Conspiracy Against Rights (one count)  
18 U.S.C. § 242 – Deprivation of Rights Under Color of Law (seven counts)  
18 U.S.C. § 1519 – Destruction, Alteration, and Falsification of Records in Federal  
Investigations (one count)


A true bill.

/s/ Foreperson of the Grand Jury

Foreman

Filed in open court this 16th day of

August

  
Brittany Sims, Clerk

 Bail, \$ NO BAIL

Hon. Magistrate Judge Lisa J. Cisneros

**EXHIBIT 1**

ISMAIL J. RAMSEY (CABN 189820)  
United States Attorney

**FILED**

Aug 16 2023

Mark B. Busby  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 4:23-cr-00269 AMO
	)	
Plaintiff,	)	<u>VIOLATIONS:</u>
	)	18 U.S.C. § 241 – Conspiracy Against Rights;
v.	)	18 U.S.C. § 242 – Deprivation of Rights Under
	)	Color of Law;
MORTEZA AMIRI,	)	18 U.S.C. § 1519 – Destruction, Alteration, and
ERIC ALLEN ROMBOUGH, and	)	Falsification of Records in Federal Investigations
DEVON CHRISTOPHER WENGER,	)	
	)	OAKLAND VENUE
Defendants.	)	
	)	<b>FILED UNDER SEAL</b>

INDICTMENT

The Grand Jury charges:

Introductory Allegations

At all times relevant to this Indictment, except where otherwise stated:

1. The Antioch Police Department (“APD”) was the police department for the city of Antioch, located in the Northern District of California. The APD and its officers were charged with the duty of enforcing the Constitution and laws of the State of California in accordance with the Constitution and laws of the United States. APD formed the Problem-Oriented Policing (POP) team in approximately July 2020 and disbanded it in approximately October 2021.

2. Defendant **Morteza AMIRI** was employed as a police officer with APD beginning in approximately November 2017. In 2018, **AMIRI** was partnered with police service dog (K9) “Purcy”

INDICTMENT



1 and assigned to APD's Canine Unit. Between approximately March 2019 and November 2021, **AMIRI**  
2 deployed K9 Purcy to bite at least 28 subjects in and around Antioch. In early 2022, APD temporarily  
3 suspended K9 Purcy and removed **AMIRI** from the Canine Unit.

4 3. Defendant **Eric Allen ROMBOUGH** was employed as a police officer with APD  
5 beginning in approximately February 2017. **ROMBOUGH** also held assignments on APD's SWAT  
6 team, Gang Unit, and Problem-Oriented Policing (POP) team. **ROMBOUGH** served as an operator of  
7 the 40mm less lethal launcher in each of these assignments. In less than one year between November  
8 2020 and August 2021, **ROMBOUGH** deployed the 40mm less lethal launcher to shoot at least eleven  
9 subjects in and around Antioch. In early 2022, **ROMBOUGH** resigned from the Gang Unit and the  
10 SWAT team.

11 4. **Devon Christopher WENGER** was employed as a police officer with APD beginning in  
12 approximately July 2018.

13 APD Policies and Training

14 5. APD disseminated a Policy Manual for which all its employees, including APD officers,  
15 were responsible for knowing and understanding the policies and procedures contained within. APD's  
16 Policy Manual contained policies on *Use of Force* (Policy 300), which identified in relevant part, among  
17 other things:

18 a. *Duty to intercede* (300.2.1): "Any officer present and observing another law  
19 enforcement officer or an employee using force that is clearly beyond that which is necessary, as  
20 determined by an objectively reasonable officer under the circumstances, shall, when in a  
21 position to do so, intercede to prevent the use of unreasonable force";

22 b. *Duty to report excessive force* (300.2.3): "Any officer who observes a law  
23 enforcement officer or an employee use force that potentially exceeds what the officer  
24 reasonably believes to be necessary shall promptly report these observations to a supervisor as  
25 soon as feasible", effective no later than January 2021;

26 c. *De-escalation requirement* (300.3.1): "Officers shall, when feasible and while  
27 considering officer and public safety, employ de-escalation techniques to decrease the likelihood  
28 of the need to use force during an incident and to increase the likelihood of voluntary compliance

1 and/or peaceful resolution”, effective no later than January 2021;

2 d. *Factors used to determine the reasonableness of force* (300.3.2);

3 e. *Reporting the use of force* (300.5): “Any use of force by a member of this  
4 department shall be documented promptly, completely and accurately in an appropriate report,  
5 depending on the nature of the incident.”

6 6. APD’s Policy Manual also contained policies on specific applications of force, including  
7 *Canines* (Policy 311), applicable to police canines, and *Kinetic Energy Projectile Guidelines* (Policy  
8 302.9), applicable to the 40mm less lethal launcher.

9 7. APD’s Policy Manual also contained policies on *Personal Communication Devices*  
10 (Policy 701), which identified in relevant part, among other things:

11 a. *Personally owned PCD* (701.5): “Members may carry a personally owned PCD  
12 while on-duty, subject to the following conditions and limitations: ... (d) The device should not  
13 be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio  
14 communications). ... (e) The device shall not be utilized to record or disclose any business-  
15 related information, including photographs, video or the recording or transmittal of any  
16 information or material obtained or made accessible as a result of employment with the  
17 Department”.

18 8. **AMIRI** and other APD officers received K9 training while assigned to APD’s Canine  
19 Unit. For example, **AMIRI** reported receiving over hundreds of hours of K9 basic and maintenance  
20 training courses between 2018 and 2021. Such training covered APD policies and proper deployment,  
21 *i.e.*, when it is appropriate to deploy a police canine, and relevant legal standards.

22 9. **AMIRI, ROMBOUGH, WENGER**, and other APD officers received 40mm less lethal  
23 training and qualification while employed at APD. This training covered relevant APD policies,  
24 nomenclature and munitions, recommended target areas, announcements, documentation, and other  
25 topics. Among other things, the training advised APD officers that certain areas of the body are  
26 “potentially lethal” when targeted by the 40mm less lethal launcher, including the head, neck, portions  
27 of the chest, groin area, and portions of the back and lower back.  
28

The Scheme to Violate Civil Rights

10. While employed at APD, Defendants **AMIRI**, **ROMBOUGH**, and **WENGER** (“Defendants”) conspired and agreed together and with each other, and with others known and unknown to the Grand Jury, to injure, oppress, threaten, and intimidate residents of Antioch, California and the Northern District of California in the free exercise and enjoyment of rights secured to them by the Constitution or laws of the United States, that is, to be free from the use of unreasonable force by a law enforcement officer.

Manner and Means

***Agreement and Encouragement***

11. As part of the scheme to violate civil rights, Defendants communicated with one another and with others known and unknown to the Grand Jury about their actual and intended uses of force, including about specific violent acts that constituted excessive uses of force by a police officer against individuals in and around Antioch.

12. As a further part of the scheme, Defendants agreed with one another and with others known and unknown to the Grand Jury to carry out such violent acts against individuals in and around Antioch even where the force was excessive, knowing that certain of their actions were excessive uses of force by a police officer, including in the communications identified in this Indictment.

***Collecting Trophies and Touting Deployments***

13. As part of the scheme to violate civil rights, Defendants communicated with each other and with others known and unknown to the Grand Jury after specific deployments of excessive force and touted their applications of force, including in the communications identified in this Indictment.

14. As a further part of the scheme, after each canine deployment of K9 Purcy, **AMIRI** captured photographs and videos of each subject’s injuries from the corresponding dog bite. While APD required official documentation of injuries from such uses of force, **AMIRI** captured additional photographs and shared them on his personal cell phone with individuals and officers not involved with the incident, contrary to APD policy. For example, following a deployment of K9 Purcy to bite a subject on December 19, 2019, **AMIRI** stated: “I’m gonna take more gory pics. gory pics are for personal stuff. cleaned up pics for the case 🤔”.

1           15. After each bite, **AMIRI** also messaged multiple recipients from his personal cell phone,  
2 including in some instances **ROMBOUGH** and **WENGER**, about the bite, often with a consecutive  
3 number memorializing the number of dog bites he had accumulated up to that point (for instance, “bite  
4 #1”, “#2”, “just got #3”, “#4 on fire rn.. lol”, “#5 this morning”, “Purcy #6”, etc., through “#28”) along  
5 with photographs and/or videos of each subject’s injuries, contrary to APD policy.

6           16. As a further part of the scheme, after **ROMBOUGH**’s deployment of the 40mm less  
7 lethal launcher, he likewise secured photographs of the subject’s injuries. While APD again required  
8 official documentation of such injuries, **ROMBOUGH** shared photographs of the injuries on his  
9 personal cell phone with officers who were not otherwise involved with the incident and other  
10 individuals in and around Antioch, contrary to APD policy.

11           17. **ROMBOUGH** also collected the spent 40mm munitions following each deployment and,  
12 instead of disposing or processing them, kept them for himself. **ROMBOUGH** collected the spent  
13 munitions to create a display; specifically, he told others at APD that he was collecting munitions for  
14 “the mantle” and creating a trophy “flag,” that is, in which the munitions were used among the stars and  
15 stripes to commemorate his 40mm deployments.

16           18. As a further part of the scheme, Defendants deployed uses of force as “punishment” to  
17 subjects beyond any punishment appropriately imposed by the criminal justice system, and/or made  
18 repeated reference to or suggestion of “violating civil rights”, including in the communications  
19 identified in this Indictment.

20 ***Concealments to Further Perpetuate the Scheme***

21           19. As a further part of the scheme, Defendants also concealed and hid, and caused to be  
22 concealed and hidden, the acts done and the purpose of the acts done in furtherance of the scheme,  
23 including to further perpetuate the scheme. These concealments included:

24           a. After each of their involvement in incidents involving uses of force, Defendants  
25 authored police reports containing false and misleading statements to suggest that the force they  
26 used was necessary or justifiable. In truth and in fact, and as Defendants well knew, Defendants  
27 willfully used excessive force in numerous incidents, including those identified in this  
28 Indictment.

b. Upon learning of each other's participation in incidents involving violent acts that constituted excessive uses of force, including as identified in this Indictment, Defendants declined to intercede and/or report the incidents to APD superiors, including as required by APD policies. Instead, Defendants encouraged one another to continue the scheme to deprive the individuals in and around Antioch of their constitutional rights.

Agreement to Use Force

20. Beginning in or about 2019, Defendants discussed with one another their plans and intentions to deploy force against, and inflict harm upon, individuals in and around Antioch, including through excessive uses of force. Such communications include those set forth below and elsewhere in this Indictment.

21. For instance, **AMIRI** and **ROMBOUGH** exchanged the following messages on February 12, 2019 about "fuck[ing] some people up" and "hopefully get[ing] [**AMIRI**] a bite":

**ROMBOUGH:** Yeah buddy we gonna fuck some people up [...]  
I'll roll with u and Percy [...]  
Didn't know if  
You were already there

**AMIRI:** LOL! no i was planning on enjoying the day off but  
fuck them for fucking with [an officer]

**ROMBOUGH:** Me too and exactly I'm gonna fuck someone up and  
hopefully get you a bite

**AMIRI:** exactly! blood for blood

**ROMBOUGH:** Liked "exactly! blood for blood"

22. As an additional example, **AMIRI**, **ROMBOUGH**, and **WENGER** exchanged the following messages on April 21, 2019 about an individual in Antioch:

**WENGER:** Please find this guys and fuck him in the ass

**ROMBOUGH:** Deal

**WENGER:** [IMG 0897, a screenshot of identification records]  
He's the fuck face that ran. Wants are 108 and 2800<sup>1</sup>

**AMIRI:** ill bite em

<sup>1</sup> See Cal. Vehicle Code § 10851 (theft of a vehicle); 2800 (disobeying a peace officer).

23. As an additional example, **AMIRI** and **ROMBOUGH** exchanged the following messages on December 27, 2019 about an individual in Antioch:

**AMIRI:** wtf happened?!

**ROMBOUGH:** lol with what?

**AMIRI:** [an officer]

**ROMBOUGH:** Oh lol 83<sup>2</sup> with a vehicle on fire, found the suspect walking and had a gun on him

**AMIRI:** he beat his ass?

**ROMBOUGH:** I don't think so  
Just dumped him

**AMIRI:** ☹️  
You and i would have broke him lol

**ROMBOUGH:** Hell yeah and got bit

24. As an additional example, **AMIRI** and **ROMBOUGH** exchanged the following messages on February 24, 2020 about individuals in and around Antioch:

**AMIRI:** sorry for the delay bro. had a mess on sycamore i was cleaning. copy just read it all

**ROMBOUGH:** Lol what did you get?  
Gorillas

**AMIRI:** basically ☹️ ☹️ ☹️

**ROMBOUGH:** Lmao  
Dog bite

**AMIRI:** no they didn't push it that far. bunch of gorillas surrounding us and taunting a fight since we were hooking [a subject]. they were all pussies and didn't do shit. i wish they did

**ROMBOUGH:** I can shoot a few on Sunday  
I better be riding with you turd

25. As an additional example, **AMIRI** and **ROMBOUGH** exchanged the following messages on March 21, 2020 about an individual in Antioch:

---

<sup>2</sup> Police Code 11-83 refers to a traffic accident.



1           **AMIRI:**           surprised you didn't use force on the bank burglar!

2           **ROMBOUGH:** We didn't get him  
3                           I couldn't bro he gave up

4           **AMIRI:**           would it have been a bite if i was there or did he  
5                           immediately coward up?

6           **ROMBOUGH:** He sprawled out but if you were there we would have  
7                           gotten u a bite

8           **AMIRI:**           ☹ ☹ ☹  
9                           they need to request me back on patrol since we are  
10                          code red and y'all could use me  
11                          I'm so annoyed

12           26.       As an additional example, **AMIRI** and **ROMBOUGH** exchanged the following  
13           messages on November 26, 2021, about an individual in Antioch:

14           **ROMBOUGH:** Nice stop on the "211"<sup>3</sup> turd

15           **AMIRI:**           thanks bro. throat bite

16           **ROMBOUGH:** Lmao fucking perfect

17           **AMIRI:**           don't share  
18                           [Photograph from body-worn camera video]

19           **ROMBOUGH:** [...]   
20                          I won't  
21                          Going for the jugular

22           **AMIRI:**           imagine fat ass purcy on your fucking throat 🤔

23           **ROMBOUGH:** That's perfect I love it

24           **AMIRI:**           i shit myself when i saw that. i thought he was gonna  
25                           kill her

26           **ROMBOUGH:** Oh well one less gorilla pro-curating  
27                           [Image of smiling gorilla with lips making kissing face]

28           **AMIRI:**           lmao!

**ROMBOUGH:** Stay safe bro.

29           //

30           //

31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000

<sup>3</sup> California Penal Code 211 prohibits robbery.

**AMIRI's Uses of Force, Including Canine Deployments and Communications about Them**

***July 24, 2019: AMIRI's Canine Deployed to Bite A.A. [19-6775]***

27. At about 1:45 a.m. on July 24, 2019, A.A. rode a bicycle along San Jose Drive in Antioch. **AMIRI** initiated a traffic enforcement stop of A.A., specifying later that A.A.'s bicycle failed to have lights on while it was dark outside. **AMIRI** ultimately exited his patrol vehicle and ordered A.A. to stop. In the course of apprehending A.A., **AMIRI** punched him multiple times; K9 Purcy then bit A.A. in the arm, injuring him.

28. Officer-1, a police officer from a neighboring police department and **AMIRI's** roommate, was present during this incident in **AMIRI's** vehicle. **AMIRI** had scheduled a "ride-along" for Officer-1 a day earlier.

29. **AMIRI** sent numerous individuals a description of the bite and/or photographs of the bite after the incident, including the following:



a. For instance, minutes after the bite, at about 1:59 a.m., **AMIRI** sent a photograph from the incident labeled IMG\_6207 to Officer-1, who responded "Haha".

b. Less than an hour after the incident, at about 2:41 a.m., **AMIRI** sent two photographs from the incident to **ROMBOUGH** labeled IMG\_6207 and IMG\_6213.

**ROMBOUGH** replied, "Yeah buddy good boy purcy". **ROMBOUGH** later wrote to **AMIRI**, "Lol you bit [A.A.]" and "Fuck that turd" at about 4:12 p.m.

c. At about 5:03 a.m. on July 24, **AMIRI** sent the following messages to Officer-2:

**AMIRI:** [Officer-1] helped me get a bike on a ride along just  
now lol  
\*bite



i took an SUV since he can't fit in my car and i don't have a door pop for this car so he opened my door and sent purcy in for a bite

[IMG\_6207] [IMG\_6213]

Officer-2: Lol nice

d. At about 8:17 a.m., **AMIRI** sent Officer-3, a police officer from a neighboring police department, "Purcy #6 ..." and a photograph from the incident, and stated the following:

**AMIRI:** this one was different... i had a lateral ride along (my roommate) and i was driving someone else's car so my door pop wasn't matched up... sooo i had my ride along open my door 🤔

i did not mention that in the report

Officer-3: Wow lol

**AMIRI:** hey we made it work lo 🤔

Officer-3: Nice good job  
What cut the dogs face?

**AMIRI:** that's a piece of the suspect's flesh lol

30. Shortly thereafter, at about 9:14 a.m., **AMIRI** exchanged the following messages with his roommate, Officer-1, remarking that the incident was a "weak ass 69" and "stretch of a 69" in reference to California Penal Code 69 (resisting an officer) and explaining how he would get out of "go[ing] to court for the bite":

**AMIRI:** bro that's was badass. Thanks for your help. You got to see purcy in action lol. That was a weak ass 69 but the bosses were cool with it. Detectives already called PRCS and got him a 45 day violation and we are gonna leave it at that so i don't have to go to court for the bite. easy

Officer-1: Hahaha anytime !! That was cool..I wanted to help but you know how that goes lol....that's good saves you hella shit having to go through

**AMIRI:** right! yea it wasn't even really a fight and more of just a resisting and making it a stretch of a 69 lol. I'm sure if he started kicking my ass you'd jump in

31. Following this incident, **AMIRI** authored a police report that differed from the description **AMIRI** privately provided to others in his text messages, including that the report made no

reference to Officer-1's participation in the deployment of K9 Purcy.

***December 19, 2019: AMIRI Deploys Canine to Bite R.S. [19-10816]***

32. On December 19, 2019, APD officers initiated a traffic stop on a car associated with R.S., who was wanted in connection with five armed robberies. After the car fled, officers tracked it to a housing development. R.S. fled into the housing complex, where he fell face-first on some wet grass, got up, and fell again. As officers—including **AMIRI** and Officer-4—converged on R.S., and with two officers within five feet of R.S., **AMIRI**'s K9 Purcy bit R.S. while he was in a prone position on the ground, injuring him.

33. After the incident, **AMIRI** sent numerous individuals photographs, a video, and/or a description of the bite, including the following:



a. At 4:30 p.m., **AMIRI** exchanged the following messages with another APD officer, Officer-5:

**AMIRI:** bro you see that armpit?

Officer-5: Lol for sure did . Good shit

**AMIRI:** i did something different this time that i think might have helped  
as purcy was on the bite i pulled his harness which i think helped with the bite

Officer-5: Yeah that will lock him in for sure. Makes them bite down more

b. Later that day, at 7:13 p.m., **AMIRI** and **ROMBOUGH** had the following text exchange about R.S. being “proned out” and “give[n] up” when he was bit:

1                   **ROMBOUGH:** Fuck I just want to punch the shit out of someone lol

2                   **AMIRI:** do it bro

3                   **ROMBOUGH:** Don't have my road dog out here

4                   **AMIRI:** the guy i bit today was pruned out. no fucks given. you  
5                   don't take us on a high speed and rob people and gun  
6                   point and crash into cars during a football and just give  
7                   up... bite on

8                   **ROMBOUGH:** Lol agreed

9                   **AMIRI:** I hate not having you on the streets with me

10                  **ROMBOUGH:** i know bro. not even the same

11                  c. The next day, on December 20, 2019 at about 8:57 a.m., **AMIRI** exchanged text  
12                  messages with Officer-6, a police officer at a neighboring police department. **AMIRI** sent  
13                  photographs and a video, requesting he "don't share the video lol" and referring to the bite as  
14                  "the real punishment compared to the soft DA" (District Attorney):

15                  **AMIRI:** #10  
16                  armed robbery with a pursuit to a foot bail to a bite

17                  Officer-6: Nice work! Damn Purey likes going for the armpit,  
18                  looks so painful lol

19                  **AMIRI:** haha yea idk what's with the armpit bites lol  
20                  IMG\_8597.MOV  
21                  don't share the video.. lol

22                  Officer-6: I don't share anything lol not even the pics bro! It's  
23                  good that even though the laws don't keep them in jail  
24                  they still get fucked up by the dog

25                  **AMIRI:** haha i know right. i feel like this is the real punishment  
26                  compared to the soft DA

27                  34. Following this incident, **AMIRI** authored a police report that differed from the  
28                  description **AMIRI** privately provided to others in his text messages.

29                  ***May 6, 2020: AMIRI Deploys Canine to Bite X.B. [20-3380]***

30                  35. On May 6, 2020, APD officers, including **AMIRI** and **ROMBOUGH**, planned an  
31                  operation to arrest wanted individuals in Antioch, including X.B. At about 8:35 a.m., **AMIRI** and  
32                  Officer-5 exchanged the following messages:

1                   **AMIRI:**           yea [X.B.] was trying to take it down last night

2                   Officer-5:           [X.B.] needs to get his ass whooped too

3                   **AMIRI:**           they are planning an [X.B.] ass whooping today

4                   Officer-5:           Lol good

5           36.     **AMIRI** and **ROMBOUGH** rode together during this operation, as they described in text  
6 messages at about 10:19 a.m.:

7                   **ROMBOUGH:**   Riding with u turd

8                   **AMIRI:**           Loved “Riding with u turd”

9           37.     At about 11:20 a.m., **AMIRI**’s K9 Purcy bit X.B. and **ROMBOUGH** assisted with  
10 X.B.’s arrest. After the arrest, **AMIRI** sent numerous individuals photographs, a video, and/or a  
11 description of the bite. At about 1:38 pm **AMIRI** and **WENGER** exchanged the following text  
12 messages:

13                   **WENGER:**       Pics of [X.B.] please my dude!!! That bitch [...] has  
14 talked so much shit to me! Thank you for biting that  
piece of shit!

15                   **AMIRI:**           [IMG\_1072; IMG\_1067; IMG\_1070; IMG\_1066;  
16 IMG\_1069]

17                   **WENGER:**       You’re my hero

18           38.     The next day, on May 7, 2020 at about 6:50 am, **AMIRI** wrote to **ROMBOUGH** “bro  
19 yesterday was soooooo fun”. **ROMBOUGH** “liked” **AMIRI**’s message. They then exchanged the  
20 following messages at about 7:10 am:

21                   **AMIRI:**           can’t believe [X.B.].... his bitch ass is still at county  
tell your wifey to have him discharged

22                   **ROMBOUGH:**   Lmao fuck that hopefully he dies

23           39.     On May 11, 2020, **AMIRI** sent a video excerpt showing K9 Purcy’s bite of X.B. to  
24 **ROMBOUGH**. **ROMBOUGH** responded “Lol love it”.

25  
26 *August 23, 2020: AMIRI Deploys Canine to Bite D.R. [20-7084]*

27           40.     On August 21, 2020 at about 11:23 p.m., **AMIRI** and **WENGER** assisted Agency-1 with  
28 the pursuit of a subject. **AMIRI** deployed K9 Purcy to bite the subject. About an hour later, at about

1 12:35 a.m., **AMIRI** exchanged the following text messages with **WENGER**:

2                   **AMIRI:**           if [Agency-1] didn't have all those body cams and that  
3                                   was us... we would have fucked him up more. He  
4                                   didn't get what he deserved

5                   **WENGER:**       I agree  
6                                   That's why I don't like body cams

7                   **AMIRI:**           Emphasized "That's why I don't like body cams"

8           41.       **WENGER** later sent the following messages at about 6:25 p.m. on August 22, 2020:

9                   **WENGER:**       We need to get into something tonight bro!! Lets go 3  
10                                  nights in a row dog bite!!!

11                   **AMIRI:**       Emphasized "We need to get into something tonight  
12                                  bro!! Lets go 3 nights in a row dog bite!!!"

13                   **WENGER:**       Lets get faggot ass [a lieutenant] something to stress out  
14                                  about lol

15           42.       At about 6:50 p.m., APD officers—including **AMIRI** and **WENGER**—conducted a  
16                   vehicle stop of another subject in Antioch, in which the subject was pulled from the vehicle and taken to  
17                   the ground. At about 7:06 p.m., **AMIRI** sent the following text message to **WENGER**, followed by a  
18                   photograph of the subject with injuries several hours later: "hahaha. [the subject] style".

19           43.       The next day, on August 23, 2020, officers from a neighboring agency Agency-2 initiated  
20                   a traffic stop of a vehicle containing a subject, later identified as D.R., that led them on a chase to a  
21                   transient encampment. After D.R. entered the encampment, the officers formed a perimeter. At about  
22                   7:25 p.m., **AMIRI** was dispatched to assist with apprehending D.R., known to him as a "car thief." K9  
23                   Purecy located D.R. in a tent and bit him in the back, injuring him.

24           44.       After the incident, **AMIRI** sent numerous individuals photographs, a video, and/or a  
25                   description of the bite.

26                   a.       At about 8:47 p.m. that day, **AMIRI** sent **WENGER** multiple images of D.R. and  
27                   his injuries, including the following:  
28



**AMIRI:** [IMG\_2619; IMG\_2614; IMG\_2617; IMG\_2613]

**WENGER:** Home boy got lumped up!!!!  
Hahahah  
The [a corporal] special  
And the morty special

**AMIRI:** bro we saw him laying in bed just acting like he was asleep. i walked out the tent and game planned how to fuck him up. went back and did justice. wish you were there. inside a tent with no cams... you would have loved it. [Agency-2] agreed to keep cameras off

**WENGER:** Bro...fuuuuuuck yes!!! Fuck that nerd!! That's what fucking happens when you run, you acquire a tax. His tax was paid properly! Good shit bro

b. The conversation continued on August 24, 2020 at about 11:26 a.m., with **AMIRI** sending **WENGER** eight images of multiple subjects with injuries, including D.R.:

**AMIRI:** a very eventful work week 🤔🤔



**WENGER:** Hahahah FUCK YEAH BRO

**AMIRI:** let's fuck some people up next work week

**WENGER:** Bro  
Fuck the mother fucking yes



1                   **AMIRI:**           Loved “Fuck the mother fucking yes”

2                   **WENGER:**        Bite some nerds and crush some dweebs bro!

3                   **AMIRI:**           hell yea bro. ill find some shit. ill write it. just come  
4                                   over and crush some skulls alongside purcy. ill handle  
                                  the rest lol

5           c.        The day following the arrest of D.R. at about 1:12 p.m., **AMIRI** sent images of  
6       D.R.’s injuries to **ROMBOUGH** during the following text message exchange:

7                   **AMIRI:**           nice gun arrest turd

8                   **ROMBOUGH:**   Turd

9                   **AMIRI:**           you beat his ass?  
10                               Emphasized “you beat his ass?”

11                   **ROMBOUGH:**   Taser

12                   **AMIRI:**           what about an ass whoopin?  
                                  [IMG\_2619; IMG\_2617; IMG\_2615]

13                   **ROMBOUGH:**   Brah lol

14                   **AMIRI:**           Laughed at “Brah lol”

15                                   Hahaha

16       45.       Following this incident, **AMIRI** authored a police report that differed from the  
17       description **AMIRI** privately provided to others in his text messages.

18  
19       ***October 8, 2020: AMIRI Assaults M.Z.***

20       46.       On October 8, 2020 at about 6:41 a.m., **AMIRI** messaged **ROMBOUGH**, “tell [Agency-  
21       3] to keep their cams off”.

22       47.       Later that day at about 8:06 p.m., **AMIRI** sent text messages on his personal cell phone  
23       to on-duty APD officers about M.Z., a transient individual in Antioch. **AMIRI** wrote the following to  
24       the on-duty officers in a group text, including **WENGER**, Officer-7, and Officer-8, accompanied with  
25       photographs of M.Z.:

26                   **AMIRI:**           [M.Z.]

27                                   anyone that finds him gets code.<sup>4</sup> this fucker stole my

28       

---

      <sup>4</sup> APD officers referred to “code” in this context as buying a fellow officer a beverage or meal.

mail and was trying to open accounts under my name.

48. Among responses in the group text, **WENGER** responded at about 8:12 p.m.:

**WENGER:** Lets beat his fucking ass bro!  
I'm down after work morty

49. **WENGER** immediately then directly text messaged **AMIRI**:

**WENGER:** I'm serious bro, let's beat that dudes ass after work

**AMIRI:** !!!!

50. At about 9:48 p.m., Officer-7 and Officer-8 located M.Z. in Antioch, who was riding a bicycle in a parking lot. Minutes later, **AMIRI** arrived in a police car and exited it, confronting M.Z. by shoving him against the wall in a parking lot, pressing a baton against his chest while holding another object or weapon in his other hand, and threatening to kill him.

51. At about 10:12 p.m., **AMIRI** sent the following message to the same group text:

**AMIRI:** [Officer-7] and [Officer-8] won the bounty on [M.Z.]

52. Following this incident, **AMIRI** failed to author any police report about the encounter.

53. Several months later, on January 25, 2021, **AMIRI** exchanged the following messages with Officer-9, an officer at a neighboring police department:

**AMIRI:** who arrested [M.Z]? [...]  
that fucker stole my mail

Officer-9: [...] Ohhhh

**AMIRI:** few months ago. i tracked him down and dragged him  
to the back of a car to "discuss" the matter

Officer-9: Yikes

"Officer [Officer-9] how long did you know Officer  
Amiri and in the course of your friendship did you ever  
know him to act under color of authority "

**AMIRI:** lol putting a pistol in someone's mouth and telling them  
to stop stealing isn't illegal... it's an act of public  
service to prevent further victims of crimes

//

//

//



**ROMBOUGH's Uses of Force, Including 40mm Deployments and Communications about Them**

54. On October 10, 2020, **ROMBOUGH** described violating civil rights to other APD officers in relation to his police work and use of the 40mm less lethal launcher, including Officer-1, Officer-10, Officer-11, and others:

Officer-11: You guys have a game plan?

**ROMBOUGH:** Violate rights forty people and catch turds

55. On November 11, 2020, **ROMBOUGH** again referenced the violation of civil rights in messages to other APD officers, including Officer-1, Officer-10, Officer-12, and others:

Officer-10: I'm on my way in now, what're you guys up to?

**ROMBOUGH:** Violating civil rights

***February 9, 2021: ROMBOUGH Deploys 40mm Less Lethal Launcher at R.C. [21-1103]***

56. On February 8, 2021, **AMIRI** and **ROMBOUGH** exchanged the following messages about deploying the 40mm less lethal launcher in upcoming operations:

**AMIRI:** Jk see u in the am homie [...] we gotta arrest errrbody

**ROMBOUGH:** Yup fuck them including [an individual]

**AMIRI:** [Wife] says she will purchase you a box of cookies if you 40 him

**ROMBOUGH:** Done I'll 40 a few people this week

**AMIRI:** lmao good [...] she wanted to encourage you to 40 him but then the crowd threw her off 🤔

**ROMBOUGH:** lol I'll send her a pic

57. The next day, on February 9, 2021 at about 6:30 a.m., APD officers executed a search warrant at a residence in Antioch. While inside the residence, **ROMBOUGH** and Officer-4 identified R.C. outside a sliding door. **ROMBOUGH** deployed the 40mm less lethal launcher at R.C., injuring him in the lower back area. **ROMBOUGH** and other APD officers had previously received instruction during annual training that this area was a "potentially lethal" area of the body to avoid deploying the 40mm.

1           58.     After the incident at about 8:48 a.m., **ROMBOUGH** sent numerous individuals  
2 photographs of the injury, including Officer-13, stating “And another one got 40d”. At about 8:54 a.m.,  
3 **ROMBOUGH** exchanged the following messages with Officer-13:

4                     Officer-13:         Good job on that one!

5                     **ROMBOUGH**:    Bro so much fun

6           59.     One day later, on February 10, 2021 after conducting another operation in Antioch in  
7 which APD officers did not deploy a canine or 40mm less lethal launcher, **AMIRI** and **ROMBOUGH**  
8 exchanged the following messages:

9                     **ROMBOUGH**:    I’m so mad bro  
10                                        Fuck this please don’t use a 40 shit

11                    **AMIRI**:         he deserved a 40.  
12                                        why didn’t they let me dog bite him? fucker threw a  
13                                        gun

14                    **ROMBOUGH**:    Tell me about it  
15                                        I’m so fucking pissed off

16                    **AMIRI**:         Questioned “why didn’t they let me dog bite him?”  
17                                        fucker threw a gun”


18                    **ROMBOUGH**:    I didn’t know man. Probably didn’t like the optics.  
19                                        [...]  
20                                        I seriously want to beat his black ass.

21           60.     The next month, **ROMBOUGH** had multiple conversations about making progress on a  
22 trophy “flag”, that is, in which he collected spent 40mm munitions and would use them among the stars  
23 and stripes of the flag to commemorate his 40mm deployments on individuals in and around Antioch.  
24 For instance, on March 5, 2021, **ROMBOUGH** exchanged messages with Officer-13 about events the  
25 prior day in which **ROMBOUGH** “had the forty” and someone “almost got plugged”, stating “It’s been  
26 fun”:

27                     Officer-13:         We just have to find a way to finish your flag!!!

28                     **ROMBOUGH**:    I know challenge accepted.

29           61.     Likewise, following his 40mm deployments on two subjects on the same day, March 31,  
30 2021, **ROMBOUGH** exchanged messages with Officer-14, who served as law enforcement with  
31 another agency, about “taking down a second [] suspect and he got 40d too”:

Officer-14:   
That 40 flag is coming along!! Murica!!

**ROMBOUGH:** Liked “That 40 flag is coming along!! Murica!!”

*May 5, 2021: ROMBOUGH Deploys 40mm Less Lethal Launcher at L.R. [21-3574]*

62. On April 14, 2021 at about 10:47 a.m., **ROMBOUGH** and **AMIRI** exchanged the following messages:


**ROMBOUGH:** This training<sup>5</sup> makes me want to smoke someone

**AMIRI:** lmao  
typical rambo

**ROMBOUGH:** Maybe tomorrow lol  
Or at least 40d

63. Several weeks later, on May 5, 2021 at about 10:22 a.m., APD officers—including **ROMBOUGH**—responded to a report that transients were living inside a privately-owned unit. While responding, **ROMBOUGH** and Officer-10 located L.R. and another female individual laying on a bed inside a room. **ROMBOUGH** deployed the 40mm less lethal launcher at L.R., injuring L.R. in the chest and knocking him off the bed. **ROMBOUGH** and other APD officers had previously received instruction during annual training that this area was a “potentially lethal” area of the body to avoid deploying the 40mm.

64. Following this incident, **ROMBOUGH** authored a police report that differed from the accounts that other APD officers later provided. **ROMBOUGH** later stated that he deployed the 40mm less lethal launcher because L.R. was refusing commands and pretending to be asleep while a liquor bottle was next to him.

65. At about 1:40 p.m. that day, **AMIRI** sent a video captured from Instagram captioned “Officer damages private property while executing a search warrant” of an unknown uniformed police officer looking around, then repeatedly slamming a door into the side of a car parked inside of a private garage to **ROMBOUGH**, with the message “you 

---

<sup>5</sup> APD records indicate that **ROMBOUGH** completed five hours of training this day on “Arrest and Control” and two hours on “Wellness Presentation”.

66. **AMIRI** also sent the same video to Officer-1, and their exchange followed:

**AMIRI:** why do i think of rombough when i see this? 🤔  
[video]

Officer-1: Bro a 100% 🤔🤔🤔🤔🤔🤔  
He 40'd another person today

**AMIRI:** 🤔  
deserved?

Officer-1: No 🤔

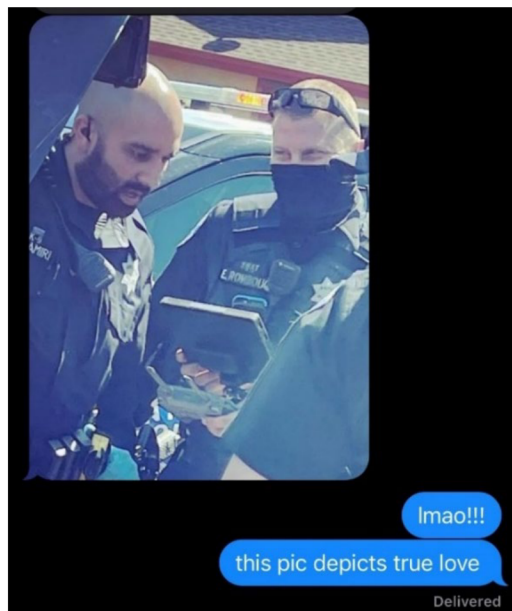
**AMIRI:** jesus lol

Officer-1: Bro we just shook our heads like wtf .. we assisted  
patrol on a 602<sup>6</sup>

**AMIRI:** 🤔  
no way lol  
did he at least sit on the dude?

Officer-1: It was stupid I know the patrol guys really didn't want  
any paper work out of it

67. Despite **AMIRI**'s conversation with Officer-1 about L.R. not "deserving" getting shot by **ROMBOUGH** with a 40mm less lethal launcher, the next day, on May 6, 2021 at about 1:56 p.m., **AMIRI** sent **ROMBOUGH** a screenshot of another conversation containing a photograph of the two officers and **AMIRI**'s subsequent commentary about "true love", excerpted as follows:



<sup>6</sup> California Penal Code 602 prohibits trespassing, a misdemeanor offense.

68. Less than two weeks later, on May 14, 2021, in reference to the potential deployment of the 40mm less lethal launcher at another individual, **ROMBOUGH** stated “Lmao add him to the mantle”.

69. The next month, **ROMBOUGH** and **AMIRI** exchanged the following messages on June 13, 2021, referencing “dog bite and 40 deployment”:

**ROMBOUGH:** You working?

**AMIRI:** yea  
40 mins until the weekend

**ROMBOUGH:** It’s your Friday right?  
Copy until u come in on Tuesday

**AMIRI:** lol yea

**ROMBOUGH:** Yeh buddy dog bite and 40 deployment

**AMIRI:** Loved “Yeh buddy dog bite and 40 deployment”

*August 24, 2021: ROMBOUGH Deploys 40mm Less Lethal Launcher at J.W. [21-6399]*

70. On July 27, 2021, **AMIRI** sent **ROMBOUGH** a screenshot of an email from APD leadership stating “the new BWC [body-worn camera] and MVAR policies are effective immediately, and the use of these devices should start at the beginning of the next scheduled shift.” The next day, **ROMBOUGH** stated “Yeah over it bro” and “Can’t wait to retire”. **AMIRI** responded, “over it lmao”.

71. On August 5, 2021, **AMIRI** and **ROMBOUGH** exchanged the following messages:

**AMIRI:** but do me a solid. don’t face me and record my coo  
sniffs on bwc. it will open the door for defense to  
criticize the alert. my angle doesn’t get it all [. . .]

**ROMBOUGH:** I got you. I’ll  
Position myself a little diff next time. I didn’t want you  
to get ran over by him. I was gonna smoke him

72. On August 24, 2021, at about 6:08 a.m., APD officers—including **ROMBOUGH** and **AMIRI**—executed a search warrant at a residence in Antioch, captured on body-worn camera. Multiple individuals exited the residence after officers made announcements. Officers then entered the residence, locating J.W. inside a locked bedroom holding a video game controller while sitting on an air mattress,



1 with a video game showing on a television screen. J.W. removed a pair of headphones and raised his  
2 hands as officers, including **ROMBOUGH** with the 40mm less lethal launcher, entered the room:



13 73. One officer, Officer-4, stepped onto the bed and took J.W.'s left arm to arrest him as four  
14 other APD officers, including **ROMBOUGH**, Officer-10, Officer-12, and Officer-13, surrounded J.W.  
15 As Officer-4 held J.W.'s left arm on the bed, J.W.'s body leaned forward and **ROMBOUGH**  
16 immediately deployed the 40mm less lethal launcher at J.W., injuring him.

17 74. In addition to the APD officers inside the bedroom, **AMIRI** stood with K9 Purcy outside  
18 of the bedroom during the deployment of the 40mm less lethal launcher.

19 75. **ROMBOUGH** later reported that this deployment of the 40mm, as captured on body-  
20 worn camera, was within "1 feet to 3 feet" of J.W.

21 76. Less than an hour later, **ROMBOUGH** exchanged the following messages with Officer-  
22 15:

23 **ROMBOUGH:** Can u please get photos  
24 Of him

25 Officer-15: Yup  
26  
27  
28



Officer-15: Black tip tattoo👉

**ROMBOUGH:** Lmao

77. On September 20, 2021, Officer-12, a Sergeant, wrote the following to **ROMBOUGH** about authoring a police report:

Officer-12: You write that he didn't comply but he clearly had his hands up at first. You need to describe way better what happened. He was ordered to put his hands on his head. He didn't do this. What did he do instead? (Leaned to his right. Arm appeared to be reaching behind bed once [Officer-4] grabbed him)

78. Following this incident, **ROMBOUGH** authored a police report that differed from the accounts that other APD officers later provided.

***August 31, 2021: ROMBOUGH Deploys 40mm Less Lethal Launcher at S.S. [21-7391]***

79. On August 31, 2021, at about 2:50 p.m., APD officers—including **ROMBOUGH**, **AMIRI**, Officer-10, and Officer-15—conducted a traffic enforcement stop of S.S. in Antioch. During the encounter, which was captured on body-worn camera, at least five APD officers surrounded S.S.'s vehicle and **AMIRI** called out “If you do not comply, you will be 40'd or bit by the dog.” As officers called out commands, S.S. exited his vehicle with his hands raised, turned around and backed toward the officers, and placed his hands on his head. As Officer-10 took S.S.'s hands, Officer-10 brought S.S. to the ground; **ROMBOUGH** immediately approached and deployed the 40mm less lethal launcher at S.S., injuring him.

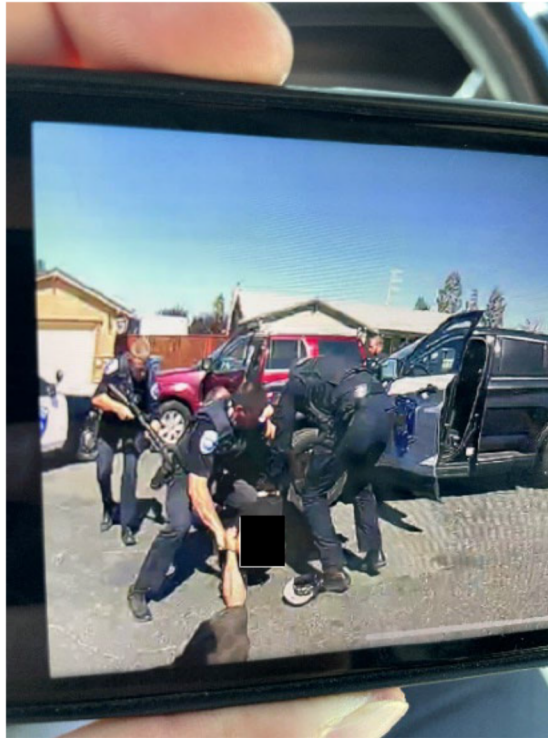
80. **ROMBOUGH** later reported that this deployment of the 40mm, as captured on body-worn camera, was within “1 foot to 3 feet” of S.S.

81. At about 3:41 p.m., **AMIRI** exchanged the following text messages with Officer-5:

**AMIRI:** bro.. rombough be doing some unnecessary ass 40s

Officer-5: Lol I heard! That's how case law and bad policies get implemented

**AMIRI:** 



Officer-5: Bro send me  
The video

**AMIRI:** [IMG\_5825.MOV]

82. **AMIRI** also texted the photograph to **ROMBOUGH** and Officer-15 in one group text. Later that day, at about 6:46 p.m., Officer-15 texted back to **AMIRI** and **ROMBOUGH**, "Thanks for the help today bro".

83. Despite **AMIRI**'s comments to Officer-5 about **ROMBOUGH**'s "unnecessary ass 40s" following the S.S. incident, **AMIRI** responded to Officer-15 and **ROMBOUGH**:

**AMIRI:** that shit is fun

//

//

//



**WENGER's Uses of Force, Including 40mm Deployments and Communications about Them**

***October 26, 2021: WENGER Deploys 40mm Less Lethal Launcher at D.S. [21-9075]***

84. On October 26, 2021, at about 6:05 p.m., APD officers—including **WENGER**—responded to a report of a stolen vehicle by Officer-11 at the Antioch Food Center on 18th Street. During the encounter, which was captured on body-worn camera, multiple APD officers surrounded D.S.'s vehicle and called out commands. D.S. exited the vehicle and faced the officers, exchanging words with them.

85. **WENGER** stated “Hey [Officer-11] you got the 40?” then stated “I got it, I want to plug him.” **WENGER** retrieved the 40mm less lethal launcher from a police vehicle and moved toward D.S. as he stood by the open doorway of the vehicle with his hands raised.



86. **WENGER** immediately deployed a 40mm less lethal launcher at D.S., striking him in the chest and injuring him. **WENGER** and other APD officers received instruction during annual training that this chest area was a “potentially lethal” area of the body to avoid deploying the 40mm. As D.S. collapsed toward the vehicle, Officer-16 deployed a canine, which bit D.S. in the arm.

87. At about 7:28 p.m. that day, **AMIRI** exchanged the following text messages with **WENGER**:

**AMIRI:** i wanna see your body cam of this! good work man

**WENGER:** Hahah! Thanks bro

**AMIRI:** you get 4 tubs yesterday, make some arrests then 40  
someone today?? who the fuck are you?? i love this  
wenger 😊

**WENGER:** #Newyearnewme  
Hahah jk  
Just trying to get on swat bro! [. . .]

Laughed at “you get 4 tubs yesterday, make some  
arrests then 40 someone today?? who the fuck are  
you?? i love this wenger 😊”

**AMIRI:** Loved “Just trying to get on swat bro!” [. . .]

**WENGER:** You’re my hero bro, I miss you dawg!

88. The next month, **AMIRI** and **ROMBOUGH** exchanged the following messages on  
November 24, 2021:

**AMIRI:** i miss you  
you haven’t 40d anymore lately

**ROMBOUGH:** I know reducing liability  
So  
I can leave

**AMIRI:** Laughed at “I know reducing liability”

COUNT ONE: (18 U.S.C. § 241 – Conspiracy Against Rights)

89. Paragraphs 1 through 88 of this Indictment are re-alleged and incorporated herein.

90. Beginning on a date unknown, but no later than approximately February 2019 and  
continuing through approximately March 2022, in the Northern District of California, the defendants,

**MORTEZA AMIRI,**  
**ERIC ALLEN ROMBOUGH,** and  
**DEVON CHRISTOPHER WENGER,**

did knowingly and willfully conspire and agree together and with each other, and with others known and  
unknown to the Grand Jury, to injure, oppress, threaten, and intimidate residents of Antioch, California  
and the Northern District of California in the free exercise and enjoyment of rights secured to them by  
the Constitution or laws of the United States, to be free from the use of unreasonable force by a law  
enforcement officer, all in violation of Title 18, United States Code, Section 241.

//

//

**COUNTS TWO THROUGH EIGHT:** (18 U.S.C. 242 – Deprivation of Rights Under Color of Law)

91. Paragraphs 1 through 88 of this Indictment are re-alleged and incorporated herein.

92. On or about the dates set forth in the counts below, in the Northern District of California, the defendants set forth in the counts below, while acting under color of law, willfully deprived an individual of the right, secured and protected by the Constitution and laws of the United States, to be free from the use of unreasonable force by a law enforcement officer, specifically:

Count	Date	Defendant	Description
2	July 24, 2019	<b>MORTEZA AMIRI</b>	Deployed his canine to bite A.A. The offense involved the use, attempted use, or threatened use of a dangerous weapon and resulted in bodily injury to A.A.
3	December 19, 2019	<b>MORTEZA AMIRI</b>	Deployed his canine to bite R.S. The offense involved the use, attempted use, or threatened use of a dangerous weapon and resulted in bodily injury to R.S.
4	August 23, 2020	<b>MORTEZA AMIRI</b>	Deployed his canine to bite D.R. The offense involved the use, attempted use, or threatened use of a dangerous weapon and resulted in bodily injury to D.R.
5	October 8, 2020	<b>MORTEZA AMIRI</b>	Assaulted M.Z. The offense involved the use, attempted use, or threatened use of a dangerous weapon.
6	May 5, 2021	<b>ERIC ALLEN ROMBOUGH</b>	Shot L.R. with a 40mm less lethal launcher. The offense involved the use, attempted use, or threatened use of a dangerous weapon and resulted in bodily injury to L.R.
7	August 24, 2021	<b>ERIC ALLEN ROMBOUGH</b>	Shot J.W. with a 40mm less lethal launcher. The offense involved the use, attempted use, or threatened use of a dangerous weapon and resulted in bodily injury to J.W.
8	October 26, 2021	<b>DEVON CHRISTOPHER WENGER</b>	Shot D.S. with a 40mm less lethal launcher. The offense involved the use, attempted use, or threatened use of a dangerous weapon and resulted in bodily injury to D.S.

COUNT NINE: (18 U.S.C. § 1519 – Destruction, Alteration, and Falsification of Records in Federal Investigations)

93. Paragraphs 1 through 31 of this Indictment are re-alleged and incorporated as if fully set forth here.

94. On or about July 24, 2019, in the Northern District of California, the defendant,  
**MORTEZA AMIRI**,  
did knowingly alter, destroy, mutilate, conceal, cover up, falsify, and make a false entry in any record, document, and tangible object, to wit, the Antioch Police Department incident report regarding the arrest of A.A., with the intent to impede, obstruct, and influence the investigation and proper administration of any matter within the jurisdiction of the Federal Bureau of Investigation, an agency of the United States, and in relation to or contemplation of any such matter or case, in violation of Title 18, United States Code, Section 1519.

DATED: August 16, 2023

A TRUE BILL.

/s/  
FOREPERSON  
San Francisco, California

ISMAIL J. RAMSEY  
United States Attorney

/s/  
ERIC CHENG  
AJAY KRISHNAMURTHY  
ALETHEA SARGENT  
Assistant United States Attorneys

AO 442 (Rev. 11/11) Arrest Warrant

## UNITED STATES DISTRICT COURT

for the  
Northern District of California

United States of America  
v.  
MORTEZA AMIRI,  
ERIC ALLEN ROMBOUGH, and  
DEVON CHRISTOPHER WENGER

Case No.4:23-cr-00269 AMO

Defendant

### ARREST WARRANT

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay  
(name of person to be arrested) DEVON CHRISTOPHER WENGER,  
who is accused of an offense or violation based on the following document filed with the court:


☒ Indictment    ☐ Superseding Indictment    ☐ Information    ☐ Superseding Information    ☐ Complaint  
☐ Probation Violation Petition    ☐ Supervised Release Violation Petition    ☐ Violation Notice    ☐ Order of the Court

This offense is briefly described as follows:

18 U.S.C. § 241 – Conspiracy Against Rights  
18 U.S.C. § 242 – Deprivation of Rights Under Color of Law

Date: 08/16/2023

City and state: San Francisco, California



Issuing officer's signature

Hon. Lisa J. Cisneros

Printed name and title

#### Return

This warrant was received on (date) 8/16/2023, and the person was arrested on (date) 8/17/2023  
at (city and state) Honolulu, HI.

Date: 8/17/2023



Arresting officer's signature

Steel Stewart, Special Agent  
Printed name and title